

DSS ADMINISTRATIVE LETTER NO. ECONOMIC SERVICES 3-2008

New Update - Guidance on Iraqi and Afghani Special Immigrants (April 4, 2008)

(Food and Nutrition Services)

TO: County Directors of Social Services

ATTENTION: Food and Nutrition Services Managers and Supervisors

DATE: April 4, 2008

SUBJECT: Iraqi and Afghani Special Immigrants

EFFECTIVE: **May 1, 2008**

I. GENERAL INFORMATION

In light of recent legislative changes, USDA is issuing the following new guidance on the eligibility of Iraqi and Afghani special immigrants. Due to these changes in legislation, Iraqis are now treated somewhat differently than Afghanis. This new guidance supersedes our previous guidance on Iraqi and Afghani Special immigrants.

II. POLICY PROCEDURES

Iraqi Special Immigrants

Although Iraqi special immigrants were also eligible under The Consolidated Appropriations Act of 2008, The National Defense Authorization Act for Fiscal Year 2008 effectively extended program eligibility to affected Iraqi aliens for a period not to exceed **eight** months. This provision became law on January 28, 2008, and is in effect for five fiscal years, for FY 2008 through FY 2012.

Afghani Special Immigrants

Effective December 26, 2007, The Consolidated Appropriations Act of 2008 granted certain Afghani aliens special immigrant status under section 101(a) (27) of the Immigration and Nationality Act (INA).

Adult individuals and family members granted this special immigrant status are eligible for resettlement assistance, entitlement programs, and other benefits to the same extent as are refugees admitted under section 207 of the INA, except the period of eligibility cannot exceed **six** months. This provision remains the same and is in effect through the end of the fiscal year (September 30, 2008).

Verification of Special Immigrant Status

Iraqi and Afghani aliens and family members who claim special immigrant status must provide verification that they have been admitted under section 101(a) (27) of the INA. For examples of acceptable documentation of immigrant status, access Office of Refugee Resettlement (ORR) through ORR's State Letters #08-04 and #08-06 at: <http://www.acf.hhs.gov/programs/orr/policy/stltrs08.htm>.

OR

The following documents will confirm both status and date of entry for Iraqi Special Immigrants:

Applicant	Documentation
Principal Applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI1 or SQ1 and DHS stamp or notation on passport or I-94 showing date of entry
Spouse of Principal Applicant Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI2 or SQ2 and DHS stamp or notation on passport or I-94 showing date of entry
Unmarried Child Under 21 Years of Age of Iraqi Special Immigrant	Iraqi passport with an immigrant visa stamp noting that the individual has been admitted under IV (Immigrant Visa) Category SI3 or SQ3 and DHS stamp or notation on passport or I-94 showing date of entry
Principal Applicant Iraqi Special Immigrant (Principal Adjusting Status in the U.S.)	DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code for this category SI6 or SQ6
Spouse of Principal Applicant Iraqi Special Immigrant (Principal Applicant Adjusting Status in the U.S.)	DHS Form I-551 ("green card") showing Iraqi nationality (or Iraqi passport), with an IV (immigrant visa) code for this category SI7 or SQ7
Unmarried Child Under 21 Years of Age of Iraqi Special Immigrant (Principal Applicant Adjusting Status in the U.S.)	DHS Form I-551 ("green card") showing Iraqi (or Iraqi passport), with an IV ("immigrant visa") code for this category SI9 or SQ8

Date of Eligibility

The effective date of eligibility for both Iraqi and Afghani special immigrants can be no earlier than December 26, 2007. Both Iraqi and Afghani special immigrants will either enter the U.S. as Lawful Permanent Residents (LPRs) with the special immigrant visa or will adjust to special immigrant status after entering the U.S. under another immigration status (such as an asylee or parolee). Unless the immigrant is a qualified alien and is eligible under current program rules, the date of eligibility for adult Iraqi and Afghani special immigrants will depend on when the individual has been granted special immigrant status. The beginning date for eligibility may or may not coincide with the special immigrant's date of entry. Iraqis and Afghans who entered the U.S. as special immigrants or who adjusted to that status before December 26, 2007, may not be eligible for the full 8 or 6 months of benefits.

Example - Asylees are qualified aliens and are eligible under current program rules. Even if the asylee later adjusts and becomes a special immigrant, the six or eight month time limit would not apply.

Example - Aliens who are paroled into the U.S. for one year are qualified aliens and would be eligible for FNS benefits after five years or by meeting another condition. If the parolee later adjusts to special immigrant status, the period of eligibility would begin from the date the special immigrant status is approved, and the six or eight-month time limit would apply.

The Iraqi and Afghani special immigrant time limits do not apply to qualified alien children under 18, who are eligible under normal program rules until they reach the age of 18.

It is critical that eligibility workers carefully examine the immigration documents of Iraqi and Afghani special immigrants and their family members to ensure that appropriate policies are applied to all household members.

Certification Periods and Time Limits

Examples of certification periods are listed below. When the household reapplies at the end of its certification period, redetermine eligibility based on the immigration status of each household member. Because adult Iraqi and Afghani special immigrants can only receive, respectively, up to 8 or 6 months of FNS benefits, counties must develop procedures to assure that these household members do not receive any more than the appropriate months of benefits allowed under the law.

Iraqi Special Immigrants

Adult Iraqi special immigrants can receive up to **eight** months of FNS benefits from the date they are granted special immigrant status. Because most adult Iraqi special immigrants will apply sometime after they have been granted status, the period of eligibility could be eight months or less, as the following illustrates:

Granted Special Immigrant Status	8 Month Eligibility End Date	Date of FNS Application	Date of Eligibility/Certification Period
September 10, 2007	April 30, 2008	December 17, 2007	5 months—from December 26, 2007 through April 30, 2008 (household is ineligible prior to the effective date of the law).
January 26, 2008	August 31, 2008	March 31, 2008	6 months—from March 31, 2008 through August 31, 2008.
August 1, 2008	March 31, 2009	August 15, 2008	8 months—from August 15, 2008 through March 31, 2009.

Afghani Special Immigrants

Adult Afghani special immigrants can receive up to **six** months of FNS benefits from the date they are granted special immigrant status. Because most adult Afghani special immigrants will apply sometime after they have been granted status, the period of eligibility could be six months or less, as the following illustrates:

Granted Special Immigrant Status	6 Month Eligibility End Date	Date of FNS Application	Date of Eligibility/Certification Period
October 11, 2007	March 31, 2008	December 17, 2007	4 months—from December 26, 2007 through March 31, 2008 (household is ineligible prior to the effective date of the law).
February 26, 2008	July 31, 2008	March 31, 2008	5 months—from March 31, 2008 through July 31, 2008.
August 1, 2008	January 31, 2009	August 15, 2008	6 months—from August 15, 2008 through January 31, 2009.

Counties that discover or become aware of any special immigrants who were denied prior to this change should reconsider those denials using this current policy.

III. IMPLEMENTATION INSTRUCTIONS

This change is effective with each application, change in situation, or recertification taken or processed on or after May 1, 2008.

If you have any questions, please contact your Food and Nutrition Services & Energy Programs Representative.

Sincerely,

A handwritten signature in cursive script that reads "Dean Simpson".

Dean Simpson, Chief
Economic Services Section

DS/vbw